

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

ANTHONY FINERSON,)	
)	
Plaintiff,)	
)	
v.)	No. 4:14CV1133 HEA
)	
AMERICAN SIGNATURE INC DBA)	
VALUE CITY FURNITURE INC.,)	
)	
Defendant.)	

MEMORANDUM AND ORDER

This matter is before the Court upon plaintiff's motion for leave to supplement his complaint.

Plaintiff, who is presently confined at the Western Missouri Correctional Center in Cameron, Missouri, filed a pro se action under the Federal Trade Commission Act, 15 U.S.C. § 45, in the United States District Court for the Western District of Missouri, seeking relief for claimed "negligence, fraud, negligent misrepresentation, [and] deceptive practices concerning a commercial transaction between plaintiff and the defendant corporation in late 2012 and early 2013. Finding improper venue under 28 U.S.C. § 1391, the Western District transferred the instant action to this Court on June 23, 2014. On June 30, 2014, plaintiff filed a motion to supplement his complaint in order to add grounds for filing his case in federal court.

The Court notes that plaintiff filed an almost identical lawsuit in this Court on February 21, 2014. *See Finerson v. Value City Furniture*, No. 4:14CV332 HEA (E.D.Mo.). In that case, plaintiff improperly pleaded federal jurisdiction under 28 U.S.C. § 1343(a)(3) and 42 U.S.C. §§ 1981 and 1982, and on March 27, 2014, the Court dismissed his complaint for lack of jurisdiction.

The Court will deny plaintiff's motion to file a supplement to his complaint, as amendments

by interlineation are not allowed. *See Popoalii v. Correctional Medical Services*, 512 F.3d 488, 497 (8th Cir.2008) (finding that it is appropriate to deny leave to amend a complaint when a proposed amendment was not submitted with the motion).

However, plaintiff will be provided thirty (30) days to file a new, amended complaint on a court-form that will supercede his original complaint in all respects. The amended complaint will then be reviewed pursuant to 28 U.S.C. § 1915 for frivolousness, maliciousness and for failure to state a claim upon which relief may be granted. The jurisdictional basis for plaintiff's claims will also be reviewed at that time.

Plaintiff must also file a certified copy of his prison account statement for the six-month period immediately preceding the filing of his complaint within thirty (30) days of this Order. *See* 28 U.S.C. § 1915(b). His failure to do so will result in a dismissal of this case, without prejudice.

Accordingly,

IT IS HEREBY ORDERED that plaintiff's motion for leave to supplement his complaint [Doc. #6] is **DENIED**.

IT IS FURTHER ORDERED that plaintiff shall submit a certified copy of his prison account statement for the six-month period immediately preceding the filing of his complaint within thirty (30) days of the date of this Order.

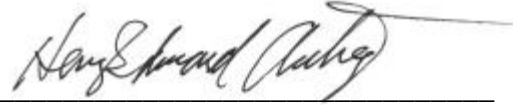
IT IS FURTHER ORDERED that if plaintiff fails to submit a certified copy of his prison account statement for the six-month period immediately preceding the filing of his complaint, within the time specified, the case will be dismissed, without prejudice.

IT IS FURTHER ORDERED that the Clerk shall mail plaintiff a copy of the Court's Prisoner Civil Rights Complaint form.

IT IS FURTHER ORDERED that plaintiff shall have thirty (30) days to file an amended complaint, on the court-form that will entirely supercede his original complaint. Plaintiff's failure

to comply with this Order will result in a dismissal of this action, without prejudice.

Dated this 9th day of July, 2014.

A handwritten signature in black ink, reading "Henry Edward Autrey", written over a horizontal line.

HENRY EDWARD AUTREY
UNITED STATES DISTRICT JUDGE